

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant(s) | Seo, et al. | Examiner: | Tara L. Mayo |
| Serial No.: | 10/534,521 | Group Art Unit: | 3671 |
| Confirmation No: | 5082 | Docket: | 673-27 PCT/US |
| Filed: | May 11, 2005 | Dated: | August 27, 2008 |
| For: | STRUCTURE OF INTERMEDIATE WALL OF THREE ARCH EXCAVATED TUNNEL AND METHOD FOR CONSTRUCTING THE SAME | | |

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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I hereby certify that this correspondence is being transmitted
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Rachel D'orazio

(Printed Name)

Signature: /rachel d'orazio/

REQUEST FOR REFUND

Sir:

Applicants electronically filed a Reply on April 24, 2008 in response to a final Office Action mailed February 26, 2008. Applicants' response was timely filed within two months of the mailing date of the final Office Action. No correspondence was issued from the U.S. Patent and Trademark Office, and Applicants filed a Status Inquiry on July 17, 2008. After several failed attempts to communicate with the Examiner, Applicants filed a Notice of Appeal and a three-month Petition for Extension of Time, with the fee of \$780.00.

Accordingly, it is submitted that the fees for the Notice of Appeal and three-month Extension of Time were charged in error. Since Applicants filed a first reply within two months of the mailing date of the final Office Action and no action was issued by the U.S. Patent and Trademark Office in response thereto, the shortened statutory period did not expire. Additionally, the need to file a Notice of Appeal would have been obviated had the Examiner timely issued an Advisory Action.

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Since \$780.00 was debited from our Deposit Account No. 08-2461 in error as payment of a Notice of Appeal and three-month Extension of Time, Applicants respectfully request a refund in the amount of \$780.00, by crediting our Deposit Account No. 08-2461 for this amount.

Respectfully submitted,

/rod s. turner/
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